



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/801,756

03/16/2004

Thomas G. Anderson

010-04-002

3424

7590  
V. Gerald Grafe, esq.  
P.O. Box 2689  
Corrales, NM 87048

05/03/2007

EXAMINER

PARKER, BRANDON

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

05/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/801,756	ANDERSON, THOMAS G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brandon Parker	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson et al (US Patent No. 6,054,989) ('Robertson hereinafter')

the following limitations:

With respect to claim 1 and 2,

The claims are being viewed as: an application and personal domain can be used interchangeably being that application domain characteristics can differ from other application domains just as personal characteristics differ from application domain characteristics no matter the function since application domain characteristics can carry the same functions and characteristics as a personal domain

- A graphical user interface (**i.e. human-computer interface**) in which object thumbnails are rendered on a simulated **three-dimensional** surface which (i) exploits spatial memory and (ii) allows more objects to be rendered on a given screen (**i.e. display space**). The objects may be **moved**, continuously, on the surface with an **input device**.
- users to drag documents in the **X-Y plane**, and also push and pull documents in the Z-dimension (**i.e. z-coordinates , z-device, z-display**). (i.e. having mutually

Art Unit: 2174

orthogonal x-display and y-display dimensions, where x-display and y-display together define a plane orthogonal to a user direction of view into the display, and a z-display dimension orthogonal to both x-display and y-display) It is inherent that X-Y will be mutually orthogonal to Z. (Specs Col 5 lines 60-62)

- When a user activates a hyper-text link, for example by clicking a **mouse (i.e. input device)** when a displayed cursor coincides with the text (**i.e. display space**) (**Specs Col 2 lines 43-45**) determines a cursor location based on the accepted inputs (**Claim 10**)(**i.e. Establishing a correspondence between motion of the input device and motion of a cursor relative to the display space**)
- As the object (e.g. information or content) thumbnails (**i.e. personal/application domain**) are moved about the landscape, the present invention may employ perspective views (perceived image scaling with distance), partial image occlusion, shadows, and/or spatialized audio (**i.e. interface characteristics**) to reinforce the simulated three-dimensional plane or landscape hence when an object thumbnail being "moved" (**i.e. motion of a cursor into**) is close to a pre-existing cluster of object thumbnails (**i.e. application/personal domain**) (**Robertson Specs Col 6 lines 56-65**)

**With respect to claim 3 and 6,**

- Although the **three-dimensional (i.e. x-device, y-device, z-device space)** room metaphor exploits, at least to some degree, a person's spatial memory, the person has to manipulate objects or *move to* disambiguate (**i.e. crossed an**

**application to personal) images and reveal hidden information. (Robertson Specs Col 4 lines 18-22)**

**With respect to claim 4 and 7,**

- determines a virtual location environment of each of the objects in the three-dimensional (i.e. x-device, y-device, z-device) environment **(Robertson Claim 10)**
- generates an animation moving the visual representation of the associated object (i.e. **application surface/personal surface**) to a preferred viewing location (i.e. **personal surface/application surface**), which makes the object appear much closer and therefore larger (i.e. **3 times larger**) **(Robertson Claim 10)**

**With respect to claim 5 and 8,**

- As the graphical representations of the objects (i.e. **application/personal surface**) are moved about the landscape (i.e. **to personal/application surface**), the present invention may employ perspective views (perceived image scaling with distance), partial image occlusion, simulated shadows, and/or spatialized audio to enhance the three-dimensional effect of the plane or landscape (i.e. **2/3 or application/personal portion**) **(Robertson Specs Col 28 lines 12-18)**

**With respect to claim 10,**

- Further, a pop-up title bar 1004 (i.e. **objects displayed at an active size**) may be provided over the active object thumbnail 806'. **(Robertson Specs Col 13 lines 38-40, Drawing Fig 10A/806)** It would be inherent that an inactive object will be smaller than the active (e.g. pop-up title bar) object

Art Unit: 2174

**With respect to claim 11,**

- The present invention may employ some type of visual indication, such as a colored halo around thumbnails of related objects for example, of related **objects**. This visual indication (**i.e. visual intensity**) may be rendered continuously or, alternatively, upon an event, such as when an **object** thumbnail is made "active". (**Robertson Specs Col 7 lines 33-38**) It would be inherent that an inactive objects will have less or no visual effect.

**With respect to claim 12,**

- The present invention may use pop-up title or information bars for permitting a user to discern more about the object represented by a low resolution image (**i.e. inactive objects which are semitransparent**) (**Robertson Specs Col 6 lines 40-44**)

**With respect to claim 13, 14, and 15,**

- an object thumbnail(**i.e. application/personal portion**) is "selected" (**i.e. active**)/902, an animation, taking on the order of one second, may be used to move the object thumbnail from its position to a closer location (**i.e. in a display**)and use the larger high resolution thumbnail (**i.e. larger than the volume of the (i.e. personal/application transition portion/804)**) so that the user perceives the object as moving towards them (**Robertson Specs Col 14 lines 17-23, Drawing Fig 9/902, Fig9/804**) It is inherent that as the object (**application/personal portion**) moves closer the size will be 1/3 as large, 3 times a large, or larger)

### **Response to Argument**

With the amendments made, the U.S.C. § 112, ¶2 rejection and the objections are withdrawn.

Applicant's remarks filed on 02/05/2007 have been fully reconsidered but they are not persuasive.

With respect to Claim 1,

In response to Robertson failing to disclose or even suggest at least a human computer interface (i.e. graphical user interface) using an input device having a range of motion in three dimensions. The applicant's specification discloses an input device that is able to navigate in a three-dimensional space or plane. From the applicant's specification this does not make the input device itself three-dimensional only the area on the display screen. The "mapping of two-dimensional inputs to three-dimensional screen representations" (see Robertson Col. 24 lines 34-38) that gives the input device a range of motion, as disclosed by editing an object (see Col. 6 lines 30-40) from a simulated three-dimensional environment. Therefore Robertson only mentions a "physical" two-dimensional input device wherein the input device is capable of moving in a three dimensional environment. Additionally Fig. 8-11 further depicts a three-dimensional plane being manipulated (i.e. modified, selected)

With respect to Claim 2,

In response to Robertson failing to disclose two domains that are distinct, Fig. 8A-8D displays web page thumbnails (i.e. application/personal domains), which are visually distinct (see Robertson Drawing Fig. 8A-8D) from other web pages. Additionally,

Art Unit: 2174

Robertson mentions distinguishable (i.e. distinct) objects on a object thumbnail (i.e. application/personal domain) which further suggest that (application/personal) are not alike.

Additionally given the graph (see Robertson Drawing Fig. 8A-8D). Given, three dimensions are identified using the letters X, Y, and Z wherein X is the left and right dimension, Y is the up and down, and Z is the depth. The object thumbnails are depicted wherein object thumbnail further in depth (z coordinate) can be selected.

With respect to Claim 3,

In response to Robertson failing to disclose an interface domain to provide to the user is based on motion of the input device across a surface in three dimensions. Robertson (Col. 12 lines 55-60) discloses objects using object thumbnails and may simulate a three-dimensional plane (i.e. plane/surface). If it were looked upon as the surface that the input device is physically on it would be apparent that the input device (i.e. mouse) would be on a surface to be used.

#### ***Terminal Disclaimer***

The terminal disclaimer filed on 03/16/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,724,400 has been reviewed and is NOT accepted.

The disclaimer fee of \$\$130 large entity, \$65 small entity in accordance with 37 CFR 1.20(d) has not been submitted, nor is there any authorization in the application file to charge a specified Deposit Account or credit card.



**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure which relate to a determining template icons for document applications.

US Patent 6166732 disclose distributed object oriented multi-user domain with multimedia presentations

US Patent 6252595 disclose a method and apparatus for a multi-state window

US Patent 6343349 disclose a memory caching for force feedback effects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Parker whose telephone number is 571-270-1302. The examiner can normally be reached on Monday thru Friday 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-270-2302.

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100